

IN THE  
UNITED STATES  
PATENT AND TRADEMARK  
OFFICE

<i>Application No.</i>	09/372,646
<i>Filing Date</i>	August 12, 1999
<i>First Named Inventor</i>	Marc A. JURGOVAN et al.
<i>Group Art Unit</i>	1761
<i>Examiner Name</i>	D. Becker
<i>Attorney Docket No.</i>	914-1372DIV1

*Title of the Invention:*  
**FLEXIBLE PACKAGE HAVING A RE-CLOSABLE ZIPPER**

**PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136(b)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Applicants hereby petition under 37 C.F.R. §1.136(b) for an extension of time to file a Reply to the Examiner's Answer of October 19, 2001. It is urged that there is sufficient cause for the requested extension and the time request is reasonable as explained below.

The Examiner's Answer was mailed on October 19, 2001. Applicants did not receive the Answer until January 18, 2002, well after the original two-month deadline of December 19, 2001 for submitting a reply had passed. On January 29, 2002 Applicants filed a Petition to Reset the Period for Reply due to late receipt of the Office Action. At the time of filing the Petition to Restart, Applicants' representative did not know whether or not the petition would be granted. Section 710.06 of the MPEP states that "the Office will grant a petition to restart the previously set period for reply to an Office Action to run from the date of receipt of the Office Action at the correspondence address when the following criteria are met." Section 710.06 also states "[w]here an Office Action was received with less than two months remaining in a shortened statutory period of three months the reply may be started from the date of receipt." The MPEP's use of the terms "will" and "may" makes it unclear as to whether or not the period for reply will be automatically granted or, if granted, from what date the period will be reset.

On March 14, 2002 the Office mailed its Decision on Petition granting the Petition to Reset A Period for Reply. The period was reset to the date of receipt of the Examiner's Answer, namely January 18, 2002. Accordingly, as of March 14, 2002 there were only four days left in the response

period. Applicants did not actually receive the Decision on Petition until March 20, 2002, two days after the period for reply had expired.

Accordingly, it is respectfully submitted that sufficient cause for the requested extension exists. And the requested extension is reasonable, being less than one month.

If it is deemed that the circumstances for which Applicants seek an extension of time do not fall within the provisions of 37 C.F.R. 1.136(b), kindly consider this communication a petition under 37 C.F.R. §1.183 to suspend the rule requiring that a Reply to an Examiner's Answer be filed within two months of the mailing date of the Answer. The Commissioner is hereby authorized to charge the petition fee set forth in 37 C.F.R. §1.17(h) from deposit account number 02-2135. A duplicate copy of this petition is enclosed for that purpose.

RESPECTFULLY SUBMITTED,					
NAME AND REG. NUMBER	Richard Wydeven, Registration No. 39,881				
SIGNATURE			DATE	April 16, 2002	
Address	Rothwell, Figg, Ernst & Manbeck Suite 800, 1425 K Street, N.W.				
City	Washington	State	D.C.	Zip Code	20005
Country	U.S.A.	Telephone	202-783-6040	Fax	202-783-6031